

Registration (Goa, Daman And Diu Amendment) Act, 1985

24 of 1985

CONTENTS

1. Short title and commencement
2. Amendment of section 2 of the Indian Registration Act, 1908 (Central Act 16 of 1908)
4. Amendment of section 45
5. Amendment of section 46
6. Amendment of section 51
7. Amendment of section 52
8. Amendment of section 54
9. Amendment of section 55
10. Amendment of section 60
11. Amendment of section 61
12. Amendment of section 62
13. Amendment of section 81
14. Amendment of section 82
15. Amendment of section 83
16. Insertion of section 89A
17. Amendment of section 90

Registration (Goa, Daman And Diu Amendment) Act, 1985

24 of 1985

AN ACT

to amend the Registration Act, 1908.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth Year of the Republic of India as follows, namely:-

1. Short title and commencement :-

(1) This Act may be called the Registration (Goa, Daman and Diu Amendment) Act, 1985.

(2) It shall come into force at once.

2. Amendment of section 2 of the Indian Registration Act, 1908 (Central Act 16 of 1908) :-

¹[2. Amendment of section 2 of the Indian Registration Act, 1908 (Central Act 16 of 1908)

In section 2 of the Indian Registration Act, 1908 (hereinafter referred to as the principal Act), in clause (1), before the words "his fathers name", the word "his marital status, and" shall be inserted.]

1 Amended by the Indian Registration (Goa, Daman and Diu Amendment) Act, 1968 (Act No. 2 of 1968.

4. Amendment of section 45 :-

In section 45 of the principal Act,-

(a) in sub-section (1), for the words, letters and figure "cause the contents thereof to be copied into his Book No. 3", the words, letters and figure "cause a true copy of the contents thereof to be made and filed in his Book No. 3" shall be substituted;

(b) in sub-section (2), for the words "copy has been made", the words "true copy has been filed" shall be substituted.

5. Amendment of section 46 :-

In section 46 of the principal Act, in sub-section (2),-

(a) for the words "unless the will has been already copied", the words "unless a true copy of the will has already been filed" shall be substituted;

(b) for the words, letters and figure "cause the will to be copied into his book No. 3", the words, letters and figure "cause a true copy of the will to be made and filed in his Book No. 3" shall be substituted.

6. Amendment of section 51 :-

In section 51 of the principal Act,-

(a) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) In Book 1 shall be filed-

(i) true copies of all documents; and

(ii) all memoranda, registered under sections 17, 18 and 89 which relate to immovable property, and are not wills.";

(b) in sub-section (3), for the words "entered all documents", the words "filed true copies of all documents" shall be substituted.

7. Amendment of section 52 :-

In section 52 of the principal Act, for clause (c) of sub-section (1), the following clause shall be substituted, namely:-

"(c) subject to the provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate book according to the order of its admission.".

8. Amendment of section 54 :-

In section 54 of the principal Act, for the words

"copied or filed a memorandum of,", the words "filed a true copy or a memorandum of" shall be substituted.

9. Amendment of section 55 :-

In section 55 of the principal Act,-

(a) in sub-section (2), for the words "document entered or memorandum filed", the words "document of which a true copy or a

memorandum, is filed" shall be substituted;

(b) in sub-section (4), for the words "authority entered", the words "authority of which a true copy is filed" shall be substituted;

(c) in sub-section (5), for the words "document entered", the words "document of which a true copy is filed" shall be substituted.

10. Amendment of section 60 :-

In section 60 of the principal Act, in sub-section (1), for the words "the document has been copied", the words "the true copy of the document has been filed" shall be substituted.

11. Amendment of section 61 :-

In section 61 of the principal Act, for sub-section

(1), the following sub-section shall be substituted, namely:-

"(1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the true copy of the document presented alongwith the document, and the true copy of the map or plan (if any) mentioned in section 21 shall also be filed along with the true copy of the document."

12. Amendment of section 62 :-

In section 62 of the principal Act, for sub-section

(1), the following sub-section shall be substituted, namely:-

"(1) When a document is presented for registration under section 19, the translation together with the true copy of the document shall be filed in the appropriate book."

²["78 A. Power to reduce or remit fees.- If the Government of Goa,

Daman and Diu is satisfied that it is necessary in the public interest so to do, it may, by notification in the Official Gazette, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territory, any fee or fees payable in respect of any of the matters enumerated in clauses (a) to (i) of section 78, either generally or for any particular class or classes of cases and in respect of persons generally or any particular class or classes of persons.".]

2 Inserted new section 78A after section 78 of the Registration Act, 1908 (Central Act 16 of 1908) by the Amendment Act 14 of 1985 .

13. Amendment of section 81 :-

In section 81 of the principal Act,-

(a) for the words "or registering of any document", the words "registering, or filing a true copy of , any document" shall be substituted;

(b) for the words "or registers such document", the words "registers or files a true copy of, such document" shall be substituted.

14. Amendment of section 82 :-

In clause (b) of section 82 of the principal Act, for the words and figures "section 19 or section 21", the words "this Act or the rules made thereunder" shall be substituted.

15. Amendment of section 83 :-

3 [15. Amendment of section 83

In section 83 of the principal Act, for sub-section

(1), the following sub-section shall be substituted, namely:-

"(1) No prosecution for any offence under this Act shall be commenced save by or with the permission of the Inspector General or any officer empowered in this behalf by the Government".]

3 Amended by the Indian Registration (Goa, Daman and Diu Amendment) Act, 1968 (Act No. 2 of 1968).

16. Insertion of section 89A :-

After section 89 of the principal Act, the following section shall be inserted, namely:-

"89A. Power to make rules for filing of true copies of documents.-

(1) The State Government may make rules for all purposes connected with the filing of true copies of documents in the appropriate books under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,-

(a) the manner in which true copies of documents shall be prepared; and

(b) the manner of filing and pasting of such copies;

(3) All rules made under this section shall be published in the Official Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any

such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

17. Amendment of section 90 :-

⁴ [17. Amendment of section 90

In section 90 of the principal Act, in sub-section

(1), in sub-clause (d), for the words "grants or assignments by Government of land or of any interest, in land", the words "grants, assignments or leases by Government of immovable property or of any interest in immovable property" shall be substituted.]

4 Amended by the Indian Registration (Goa, Daman and Diu Amendment) Act, 1968 (Act No. 2 of 1968.